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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Thomson Licensing S.A.S.Application No./Patent No.: 10/043,714Filed/Issue Date: 01-09-2002Titled: System, method, and software application for targeted advertising via behavioral model clustering, and preference programming based on behavioral model clustersThomson Licensing S.A.S., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)
- the patent application/patent identified above, by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy therefore is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

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Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

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☒ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Joel M. Fogelson/

August 25, 2010

Signature

Date

Joel M. Fogelson

Patent Counsel

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**EXHIBIT B**  
**Assignment of Patent Properties**

For good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned owner,

**METABYTE NETWORKS, INC.**, a Corporation organized under the laws of the State of Delaware, and having its principal office and place of business at 16935 West Bernardo Drive, Suite 100, San Diego CA 92127 U.S.A., ("Assignor") who owns or purports to own all patents and applications as listed and attached hereto as Exhibit A;

does hereby sell, assign and transfer to **THOMSON LICENSING, S.A.S.**, a company duly organized under the laws of France, and having its principal office and place of business at 46, quai Alphonse Le Gallo, 92100 Boulogne-Billancourt, France, its successors, assigns, and legal representatives ("Assignee"), its entire right, title and interest to all patents and applications as listed and attached hereto as Exhibit A, any and all continuations, divisions, substitutes, resubmissions, and extensions thereof, and all other applications for said patents and applications as listed and attached hereto as Exhibit A, relating thereto which have been or shall be filed in the United States, its territorial possessions and/or any foreign countries and all rights, together with all priority rights, under any of the international conventions, unions, agreements, acts, and treaties, including all future conventions, unions, agreements, acts and treaties; together with Assignor's entire right to receive any recovery of damages for past infringement of the patents and applications as listed and attached hereto as Exhibit A;

IN THE TESTIMONY WHEREOF I have hereunto set my signature on the date indicated below.

Accepted by:

For: **METABYTE NETWORKS, INC.**

For: **THOMSON LICENSING, S.A.S.**

By: 

By: 

Name: **PIERRE-YVES LEGUEN**

Name: **Béatrix de Russé**

Title: **CEO**

Title: **Executive Vice President  
Intellectual Property and Licensing**

Date: **December 11, 2009**

Date: **November 17, 2009**

**EXHIBIT A**  
**Assigned Patent Properties**

<b>US Patents</b>	<b>Title</b>	<b>Issued</b>
6,614,987	Television Program Recording with User Preference Determination	09/02/2003
7,146,627	Method and Apparatus for Delivery of Targeted Video Programming	12/05/2006
7,370,342	Method and Apparatus for Delivery of Targeted Video Programming	06/06/2008

<b>US Pending Patent Applications</b>	<b>Title</b>	<b>Filed</b>
09/893,192	Method and Apparatus for Delivery of Television Programs and Targeted De-Coupled Advertising	08/27/2001
09/953,327	Method and System for Delivery of Targeted Programming	09/14/2001
09/963,335	System and Method for Personalized TV	08/24/2001
10/043,696	System and Method for Behavioral Model Clustering in Television Usage, Targeted Advertising via Model Clustering, and Preference Programming Based On Behavioral Model Clusters	01/09/2002
10/043,714	System, Method and Software Application for Targeted Advertising via Behavioral Model Clustering, and Preference Programming Based On Behavioral Model Clusters	01/09/2002
10/156,153	System and Method for Generating and Managing User Preference Information for Scheduled and Stored Television Programs	05/29/2002
10/156,173	Database Management System and Method For Electronic Program Guide and Television Channel Lineup Organization	05/28/2002
10/177,232	Method and System for Interactive Television Services With Targeted Advertisement Delivery and User Redemption of Delivered Value	06/21/2002
10/177,236	Method and System for Electronic Purchases Using An Intelligent Data	06/21/2002
10/395,463	Television Program Recording With User Preference Determination	11/26/2002
10/999,379	Television Program Recording With User Preference Determination	03/14/2002
11/369,371	Method and System for Electronic Purchases Using An Intelligent Data	03/06/2006
11/370,081	System and Method for Personalized TV	03/06/2006
11/370,150	System and Method for Personalized TV	03/06/2006

**Patent Properties (Cont.)**

<u><b>Issued Foreign Patents</b></u>	<u><b>Jurisdiction</b></u>	<u><b>Title</b></u>	<u><b>Issued</b></u>
2,335,025	Canada	Television Program Recording with User Preference Determination	03/11/2008
1084573B1	Europe	Television Program Recording with User Preference Determination	08/20/2003
1223757B1	Europe	System, Method and Software Application for Targeted Advertising via Behavioral Model Clustering, and Preference Programming Based On Behavioral Model Clusters	03/22/2006

<u><b>Foreign Pending Patent Applications</b></u>	<u><b>Jurisdiction</b></u>	<u><b>Title</b></u>	<u><b>Filed</b></u>
1331814A3	Europe	Television Program Recording With User Preference Determination	06/01/1999
1775949A3	Europe	Method and Apparatus for Delivery of Targeted Video Programming	08/31/2000
2003018584	Japan	System For Targeted Television Program Distribution, Preference Engine, Machine Readable Medium And Method Of Determining Television Viewing Habits	03/22/2006
2004524712	Japan	Method and Apparatus for Delivery of Targeted Video Programming	08/31/2000

<u><b>Foreign Abandoned Patent Application</b></u>	<u><b>Jurisdiction</b></u>	<u><b>Title</b></u>	<u><b>Filed</b></u>
1230798A1	Europe	Television Program Recording With User Preference Determination	08/31/2000